

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

BRIAN HUDDLESTON,	§	
	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION No. 4:20CV00447
	§	
FEDERAL BUREAU OF	§	
INVESTIGATION and UNITED	§	JUDGE AMOS MAZZANT
STATES DEPARTMENT OF JUSTICE,	§	
	§	
Defendants.	§	

IN CAMERA, EX PARTE DECLARATION OF MICHAEL G. SEIDEL

I, Michael G. Seidel, declare as follows:

1. I am currently the Section Chief of the Record/Information Dissemination Section (RIDS), Information Management Division (IMD), Federal Bureau of Investigation (FBI), Winchester, Virginia. My previous declaration dated December 15, 2021, explained my employment history and responsibilities at the FBI. *See* ECF No. 37-1, (“Fourth Seidel Declaration.”)
2. This is my first *in camera, ex parte* Declaration in this case and my sixth overall declaration. This declaration supplements, and hereby incorporates by reference, the information previously provided in my first, second, third, fourth and fifth declarations dated, respectively, December 8, 2020, January 6, 2021, April 20, 2021, December 15, 2021, and April 29, 2022, herein referenced as “First Seidel”, “Second Seidel”, “Third Seidel”, “Fourth Seidel” and “Fifth Seidel.” ECF Nos. 10-1, 12-1, 23-1, 37-1 and 54-1.

3. The FBI submits this declaration in support of Defendant's Motion for Clarification, or in the alternative, Reconsideration of the Court's Memorandum Opinion and Order dated September 29, 2022, wherein the Court 1) Granted in Part and Denied in Part Defendants' Motion for Summary Judgment; 2) Granted in Part and Denied in Part Plaintiff's Cross Motion for Summary Judgment; and 3) Ordered the Government to produce the information it possesses related to Seth Rich's laptop within 14 days of the date of the Order. ECF No. 70.

4. The purpose of this *in camera, ex parte* declaration is to provide the Court information that the FBI became aware on October 5, 2022, that will be of interest to and should be considered by this Court as it relates to the information the FBI possesses related to Seth Rich's personal laptop.

5. At no time during the FBI's handling of Plaintiff's FOIA request was the declarant aware that the U.S. Attorney's Office in the District of Columbia, working with Washington, D.C. local law enforcement authorities, had an open investigation into the death of Seth Rich until counsel for the FBI received an email communication forwarded to him from the AUSA handling this instant litigation.

6. In my second and fourth Seidel Declarations, I directed the Court to see Civil Action No.: 1:18-cv-01568-LB *Clevenger v. U.S. Department of Justice, et al.*, ECF No. 16, Declaration of David M. Hardy dated October 3, 2018. In ¶ 22 of the Hardy Declaration, the declarant advised, among other things, that:

[t]he FBI contacted WFO on June 21, 2017, and confirmed WFO *did not open* an investigation into the murder of Seth Conrad Rich, as the matter was under investigation by the Metropolitan Police Department (MPD). Soon after the murder of Seth Conrad Rich, WFO Criminal Division contacted MPD and offered its assistance, however MPD declined the offer. (Emphasis added.)

7. During the FBI's search for records in response to Plaintiff's litigated FOIPA Request No. 1465531-000, Subject: Seth Rich (January 1, 2016 to present), records were located within the Special Counsel Office's records collection maintained by the FBI. One of the records located, was an FD-302 documenting a meeting which took place on March 15, 2018, between an FBI Special Agent assigned to assist with the Special Counsel's Office investigation, an Attorney for the Special Counsel's Office, an Assistant U.S. Attorney and an MPD Detective. The information documented in the FD-302 relates to Seth Conrad Rich. During this meeting, the FBI collected from the MPD Detective several documents, which included a Report of Examination (Data Extraction) and a disc containing the imaged hard drive of Seth Rich's personal laptop.¹

8. The FBI did not investigate or assist MPD with its homicide investigation of Seth Rich, nor did it have knowledge that the District of Columbia's U.S. Attorney's Office -- which serves as the local law enforcement prosecutor in the District of Columbia -- had an open investigation.

¹ The FBI assigned the FD-302 and the information collected during that meeting Bates-numbers FBI(20-cv-447) 405-415 and 418-422. The disc containing information extracted from Seth Rich's personal laptop is Bates-numbered FBI(20-cv-447) 422.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 26th day of October 2022.

A handwritten signature in blue ink, appearing to read "M. G. Seidel", written over a horizontal line.

MICHAEL G. SEIDEL
Section Chief
Record/Information Dissemination
Section
Information Management Division
Federal Bureau of Investigation
Winchester, Virginia